

REMARKS

Claims 1-6, 9-12, 15-18, 28--31 are pending in the application.

Claims 1-6, 9-12, 15-18, 28--31 were rejected.

Claim1 is amended herein.

I. 35 USC §102 Claim Rejections

In the Office Action, independent claim 1 was rejected under 35 USC §102(b) as being anticipated by Abel *et al.* (U.S. Patent No. 5,289,371). Applicants respectfully traverse that rejection and request reconsideration by the Examiner.

The invention here provides a dynamic call admission methodology that operates at an ATM network edge, and is particularly useful for applications invoking ATM Adaptation Layer Type 2 (AAL2). The dynamic call admission methodology of the invention uniquely makes an admission decision as a function of call type – in particular, that methodology takes into consideration different bandwidth needs for different call types. A key feature of the invention is a recognition that different call types transmitted over a voice circuit have substantially different bandwidth requirements and vary widely in the applicability of statistical multiplexing for a given call type. In the exemplary embodiment described for the invention, call admission is dynamically adapted depending on whether a call using a voice circuit is actually a voice signal, a facsimile signal, or a data signal modulated onto a voice carrier by a modem.

The Abel reference is addressed to a completely different idea. The essential thrust of Abel is a system for providing substantial reciprocity for traffic routed from a central switching site to one of a plurality of remote sites, as a function of traffic sent from the remote sites to

the central site. Abel definitely does not address call-admission methodologies, at least as that concept would be understood to those of skill in the art.

Applicants further submit that the specific portions of Abel cited in the Office Action as providing a teaching of the specific limitations of claim 1 cannot reasonably be construed to provide an anticipatory teaching. For example, the limitation “admitting the incoming call for using the facility as a function of the call type of the incoming call” is said to be anticipated by the teaching of Abel at column 9, lines 52-55, along with reference step 58 of Abel's Figure 2. However, review of that teaching shows that it is directed to an identification at the central switching site of the “ANI” (automatic number identification) of an incoming call to determine if the call is from an authorized remote-site subscriber. While Abel would apparently reject a call not having an authorized ANI, this hardly constitutes a call-admission decision as a function of call type. As used by Applicants (and defined in a prior claim limitation) the term “call type” is used to distinguish between voice calls and non-voice calls. All of the calls addressed by the ANI-identification function of Abel are clearly voice calls, and therefore this teaching of Abel cannot reasonably be construed to address call admission as a function of call-type, as specified by the limitation in question.

In addition, the limitation “updating a count of a number of voice calls currently admitted, when the admitted incoming call is a voice call” is said to be anticipated by the teaching of Abel at column 8, lines 55-59. In this case, the referenced teaching of Abel is addressed to computer software that, among other things, tracks “the number of telephone calls received [at the central switching site] by the hour and by the day.” Plainly, such a statistical record keeping function is not analogous art to the updating of a count of voice calls as a function of a call-admission strategy based on call type and bandwidth available for the given

call type. At bottom, the Applicants respectfully submitted that Abel cannot appropriately be construed as an anticipatory reference for the invention as claimed in independent claim 1.

Accordingly, the Applicants believe that their invention is clearly distinct from the teaching of Abel and therefore respectfully request withdrawal of the rejection of independent claim 1 as anticipated by Abel.

II. 35 U.S.C. §103 Claim Rejections

Claims 2-3 were rejected under 35 U.S.C. §103 as being unpatentable over Abel in view of Sabry (U.S. Patent No. 6,233,223). Claims 4-6 were rejected under 35 U.S.C. §103 as being unpatentable over Abel in view of Sabry and one other reference. Independent claims 9, 15 and 28 were rejected under 35 U.S.C. §103 as being unpatentable over Sabry in view of Abel. Claims 10-12, 16-18 and 29-31 were rejected under 35 U.S.C. §103 as being unpatentable over Sabry in view of Abel and one other reference. Applicants respectfully traverse those rejections and request reconsideration by the Examiner.

As respects claims 2-6, it is noted that these claims all depend, either directly or indirectly from independent claim 1, which has been shown above to be patentable over the primary reference cited for the §103 combination applied here. In addition, as discussed in detail below, the common secondary reference (Sabry) for the §103 combination applied against this group of claims is not prior art to the invention here. Accordingly, claims 2-6 should be patentable over the art of record. Withdrawal of the §103 rejection as to those claims is respectfully requested.

In respect to independent claims 9, 15 and 28, it is the Applicants' position that neither the primary nor the secondary reference applied for the §103 combination rejection teach the claim limitations ascribed to those references by the Office Action. However, the point does not

require further pursuit inasmuch as the primary reference, Sabry, is not prior art to the invention here. As will be shown by the prosecution history herein, the instant application is a continuation application from application serial number 08/965,515 filed November 6, 1997, and priority is claimed from that parent application. The application is amended here to state that claim of priority. The Sabry reference, on the other hand, was filed August 9, 1999, almost two years after the priority date for this application, and accordingly cannot constitute prior art for this application.

Even aside from the failures of the secondary reference, Abel, to teach the limitations suggested by the Office Action, as discussed in the prior section where that reference was applied against independent claim 1, it plainly cannot be construed to teach the claim limitations ascribed to the primary reference, as inferentially acknowledged by the Office Action. Accordingly, with the showing here that the primary reference is not prior art to the invention, the recited §103 combination cannot be sustained. Withdrawal of that rejection is respectfully requested.

For the remaining claims rejected under §103, not only is the rejection basis predicated on the assertion of the Sabry reference as the primary teaching, which has been shown to not be prior art for the invention, but those claims also depend, either directly from one of independent claims 9, 15 or 28. As shown above, the rejection basis for those independent claims cannot be sustained, and accordingly, the rejection bases for these dependent claims must fail as well. Withdrawal of the §103 rejection of dependent claims is respectfully requested.

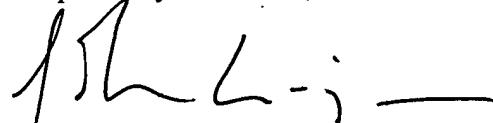
II. Conclusion

Having fully addressed the Examiner's rejection bases herein, it is believed that, in view of the preceding remarks, this application now stands in condition for allowance. Such allowance is respectfully requested.

Please address all correspondence to John A. Ligon, Law Office of John Ligon, P.O. Box 43485, Upper Montclair, NJ 07043. Telephone calls should be made to the undersigned at (973) 509-9192.

Please charge any fees due in respect to this amendment to Deposit Account No. 50-1944.

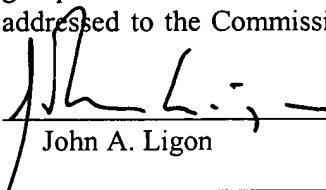
Respectfully submitted,


John A. Ligon
Reg. No. 35,938
Attorney for Applicant

Dated: March 30, 2005

LAW OFFICE OF JOHN LIGON
PO BOX 43485
UPPER MONTCLAIR, NJ 07043-0485
973 509-9192
PTO CUSTOMER NO. 30541

I hereby certify that this Response to Office Action is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on March 30, 2005.

By: 
John A. Ligon